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## NOTICE OF ALLOWANCE AND FEE(S) DUE

45095 7590 06/29/2009

HOFFMAN WARNICK LLC  
75 STATE ST  
14 FL  
ALBANY, NY 12207

EXAMINER	
NELSON, FREDA ANN	
ART UNIT	PAPER NUMBER
3628	
DATE MAILED: 06/29/2009	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,660	12/21/2000	Hideki Nishikawa	JP9 1999 0205 US1	6984

TITLE OF INVENTION: DATA PROCESSING SYSTEM FOR CHARGE CALCULATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/29/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571) 273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

45095            7590            06/29/2009

**HOFFMAN WARICK LLC**  
**75 STATE ST**  
**14 FL**  
**ALBANY, NY 12207**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,660	12/21/2000	Hidegori Nishikawa	JP9 1999 0205 US1	6984

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/29/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
NELSON, FREDA ANN	3628	705-400000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**
2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

- 4a. The following fee(s) are submitted:  
 Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_
- 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)  
 A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)  
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form or your suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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45095	7590	06/29/2009	EXAMINER	
HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207				NELSON, FREDA ANN
		ART UNIT		PAPER NUMBER
		3628		DATE MAILED: 06/29/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1637 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1637 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b> 09/742,660	<b>Applicant(s)</b> NISHIKAWA, HIDENORI
	<b>Examiner</b> FREDA A. NELSON	<b>Art Unit</b> 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Decision on Appeal decided on March 30, 2009.

2.  The allowed claim(s) is/are 1-3.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413)

Paper No./Mail Date \_\_\_\_\_.

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

**Response to Amendment**

1. The DECISION ON APPEAL decided March 30, 2009 and the amendment received on December 18, 2006 is acknowledged and entered. Claims 1-2 and 4 have been amended. No claims have been added. Claims 1-3 are currently pending due to the Examiner's amendment canceling claims 4-6.

***Drawings***

The drawings filed on December 21, 2000 are accepted by the Examiner.

***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. **It is important that the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.** (emphasis added). In this case, the Abstract begins with "The present invention provides..." and the abstract exceeds 150 words in length. Appropriate correction is required.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **IN THE CLAIMS**

Claims 4-6 (Canceled)

#### ***Allowable Subject Matter***

Claims 1-3 are allowed.

The following is an examiner's statement of reasons for allowance:

2. The Examiner agrees with the DECISION ON APPEAL decided March 30, 2009.
3. The best prior art or record is Reeder (US Patent Number 5,852,812), Boardman et al. (US Patent Number 6,456,986), Carter (US Patent Number 6,553,350), Rubin (US Patent Number 6,078,897), Griffin (US 5,893,077), and Joyce et al. (US Patent Number 7,248,855).

Reeder (US Patent Number 5,852,812) discloses a billing system for a network which uses pricing rules to instruct the billing system to charge that particular customer a discounted price from the price that is stored in the event object data.

Boardman et al. (US Patent Number 6,456,986) discloses a decision network based event pricing system in a component based, object oriented convergent customer care and billing system which comprises a plan selection rule set selecting the price plan according to an event and an algorithm selection rule set according to the price plan selected guiding the event to algorithms to calculate or modify a price, and managing dependencies between price plans rating the event.

Carter (US Patent Number 6,553,350) discloses a method and apparatus for pricing products in multi-level product and organizational groups.

Rubin (US Patent Number 6,078,897) discloses a method and apparatus for optimizing orders for goods or services to increase a discount by identifying a volume discount threshold for additional products.

Griffin (US Patent Number 5,893,077) discloses a method and apparatus for generating and collecting a billing event object within an on-line network.

Joyce et al. (US Patent Number 7,248,855) disclose a convergent communications system and method with a rule set for authorizing, debiting, settling and recharging a mobile commerce account.

4. As per independent claim 1, the best prior art, fails to teach or suggest:  
*a database, for managing customer data required for calculating said charges to customers a type of customer service and a rule set being associated directly to one another within the database;*  
*rule management means, for storing rule sets that, in advance, each define only*

*one charge calculation method that is employed in accordance with a type of customer service that is rendered, wherein the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value; and calculation means, which, for each different type of customer service provided to a customer, identifies the rule set associated with the type of customer service, and calculates charges for each event belonging to the type of customer service based on the associated rule set, in accordance with the contents of said customer data read from said database.*

5. As per independent claim 2, the best prior art, fails to teach or suggest a database, for managing customer data required for calculating said charges to customers a type of customer service and a rule set being directly associated to one another within the database;

rule management means, for storing a rule that, in advance, defines only one charge calculation method that is employed in accordance with the type of customer service that is rendered;

a discount table, which is described in said rule that defines a charge calculation method, for storing a charge discount ratio that is employed for said charge calculation in accordance with the type of customer service that is rendered, wherein the discount table further includes a set of change point identifiers and associated discount threshold values, the discount table being separate from said rule; and

calculation means, for, in accordance with the contents of said customer data read from said database, obtaining for a pertinent customer, from said rule management means, said rule that defines a charge calculation method, and for calculating a charge by referring to said charge discount ratio defined in said pertinent rule.

6. The best NPL prior art, "Saville Provides Time Warner Communications With Saville CBP Billing" and "Start Your Business Rules Engine", does not disclose or fairly teach:

*a database, for managing customer data required for calculating said charges to customers a type of customer service and a rule set being associated directly to one another within the database;*

*rule management means, for storing rule sets that, in advance, each define only one charge calculation method that is employed in accordance with a type of customer service that is rendered, wherein the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value; and*

*calculation means, which, for each different type of customer service provided to a customer, identifies the rule set associated with the type of customer service, and calculates charges for each event belonging to the type of customer service based on the associated rule set, in accordance with the contents of said customer data read from said database.*

7. The best foreign art, Nose (JP 01297788 A), while disclosing a settlement system, method and printer having settlement function, fails to disclose:

*a database, for managing customer data required for calculating said charges to customers a type of customer service and a rule set being associated directly to one another within the database;*

rule management means, for storing rule sets that, in advance, *each define only one charge calculation method that is employed in accordance with a type of customer service that is rendered*, wherein the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value; and

*calculation means, which, for each different type of customer service provided to a customer, identifies the rule set associated with the type of customer service, and calculates charges for each event belonging to the type of customer service based on the associated rule set*, in accordance with the contents of said customer data read from said database.

8. The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday, 10:00 am –6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Freda A. Nelson/

Examiner, Art Unit 3628

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628